UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN

)
In re) Chapter 9
)
CITY OF DETROIT, MICHIGAN,) Case No. 13-53846
)
Debtor.) Hon. Steven W. Rhodes
)

NOTICE OF AMENDED DOCUMENT REQUESTS TO FOUNDATION FUNDERS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 45(a)(4)

PLEASE TAKE NOTICE that, on the date hereof, Syncora Guarantee and Syncora Capital Assurance ("Syncora") will file and serve the attached subpoenas containing amended document requests¹ pursuant to Federal Rule of Civil Procedure 45, made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 9016, on the following parties:

- 1. Community Foundation for Southeast Michigan
- 2. William Davidson Foundation
- 3. The Fred A. and Barbara M. Erb Family Foundation
- 4. Max M. and Marjorie S. Fisher Foundation
- 5. The Ford Foundation
- 6. Hudson-Webber Foundation

First Amended Schedule B amends the document requests contained in Schedule B to the subpoenas filed in the Notice of Subpoenas to Foundation Funders [Docket No. 5224]. The only change is reflected in Instruction No. 10, which contains an updated date and a correction.

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- 7. Kresge Foundation
- 8. W.K. Kellogg Foundation
- 9. John S. and James L. Knight Foundation
- 10.McGregor Fund
- 11. Charles Stewart Mott Foundation
- 12.A. Paul and Carol C. Schaap Foundation

Dated: June 5, 2014 Respectfully submitted,

KIRKLAND & ELLIS LLP

By: /s/ Stephen C. Hackney

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- and -

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Attorneys for Syncora Guarantee Inc. and

Syncora Capital Assurance Inc.

United States	BANKRUPTCY COURT
Eastern	District of Michigan
In re City of Detroit, Michigan	
Debtor	
(Complete if issued in an adversary proceeding)	Case No. 13-53846
(Complete if issued in an daversary proceeding)	Chapter 9
	Chapter
Plaintiff	
V.	Adv. Proc. No.
Defendant	
INSPECTION OF PREMISES IN A BANKI William Davidson Foundation, Foreign Nonprofit Corporation, 2 To: Resident Agent: Jonathan Aaron	S, INFORMATION, OR OBJECTS OR TO PERMIT RUPTCY CASE (OR ADVERSARY PROCEEDING) Towne Square, Suite 905, Southfield, MI 48076, Jurisdiction of Origin: Delaware on to whom the subpoena is directed)
X Production: YOU ARE COMMANDED to produce documents, electronically stored information, or objects, a material: SEE FIRST AMENDED SCHEDULE B	e at the time, date, and place set forth below the following and to permit inspection, copying, testing, or sampling of the
PLACE McDonald Hopkins PLC	DATE AND TIME
39533 Woodward Avenue, Suite 318 Bloomfield Hills, MI 48304	June 23, 2014 at 9:00 a.m.
other property possessed or controlled by you at the time, may inspect, measure, survey, photograph, test, or sample	O to permit entry onto the designated premises, land, or date, and location set forth below, so that the requesting party e the property or any designated object or operation on it. DATE AND TIME
PLACE	DATE AND TIME
attached – Rule 45(c), relating to the place of compliance; subpoena; and Rule 45(e) and 45(g), relating to your duty doing so. Date: 6 9 4	nade applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are ; Rule 45(d), relating to your protection as a person subject to a to respond to this subpoena and the potential consequences of not
CLERK OF COURT Signature of Clerk or Deputy Cler	OR Attorney's signature
The name, address, email address, and telephone number Interested Party Syncora et al. , who issues or reque	
Stephen C. Hackney, 300 N. LaSalle, Chicago, IL 60654 (312) 862-20	000 stephen.hackney@kirkland.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	yy):
I served the subpoena by delivering a copy to the named pe	erson as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allo	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
- (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c):
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (g) Contempt. The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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The only change between Schedule B, served on June 4, 2014, and this First Amended Schedule B is reflected in Instruction No. 10, which contains an updated date and a correction.

- "Concerning" means relating to, referring to, describing, evidencing, 4. reflecting, embodying, or constituting.
- The term "DIA" means The Detroit Institute of Arts, a nonprofit 5. corporation organized under the laws of the State of Michigan and any and all of its predecessors.
- The term "DIA Settlement" refers to the settlement regarding the DIA 6. Assets, as those terms are defined in the City of Detroit's Plan of Adjustment [Doc. No. 4392].
- The term "Documents" and "Document" have the same full meaning 7. as in Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure and include the original, any draft (whether disseminated or not) and any copy, regardless of origin or location, of any correspondence, letter, memorandum, electronic mail (e-mail), statement, summary, outline, contract, agreement, book, pamphlet, periodical, telegram, telecopy, telefax, wire, cable, record, study, report, schedule, diary, desk calendar, organizer, appointment book, photograph, reproduction, map, survey, drawing, chart, model, index, tape, data sheet or data processing card, computerized information, data base or disk (including without limitation hard, soft, floppy, or compact), invoice, purchase order, ledger, journal, check (front and back), check

stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- The term "Foundations" refers to any entity that is a contributing 8. party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
- The term "Plan" means the City's filed Fourth Amended Plan of 9. Adjustment [Doc. No. 4392].
- The terms "relate," "relate to," "relating to," and/or "refer," with 10. respect to any given subject mean anything that concerns, constitutes, contains, compromises, consists of, discloses, describes, discusses, explains, evidences, embodies, reflects, identifies, states, summarizes, refers to, pertains to, deals with,

implies or authorizes directly or indirectly, or is in any manner whatsoever pertinent to that subject.

11. The term "State" means the State of Michigan.

INSTRUCTIONS

- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- 2. If any documents are not available for production because they have been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- 4. If any documents are available but are not produced because of an objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- Produce original documents whenever such documents are available 6. to you.
- Produce all documents available by virtue of being in possession of 7. your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

UNITED STATE	ES BANKRUPTCY COURT
Eastern	District of Michigan
In re City of Detroit, Michigan	
Debtor	Chief New to tooks
(Complete if issued in an adversary proceeding)	Case No. <u>13-53846</u>
	Chapter 9
Plaintiff	
v.	Adv. Proc. No.
Defendant	
	NTS, INFORMATION, OR OBJECTS OR TO PERMIT NKRUPTCY CASE (OR ADVERSARY PROCEEDING) 1, One Michigan Avenue East, Battle Creek, MI 49017
(Name of p	person to whom the subpoena is directed)
	duce at the time, date, and place set forth below the following cts, and to permit inspection, copying, testing, or sampling of the
material: SEE FIRST AMENDED SCHEDULE B	
PLACE McDonald Hopkins PLC	
39533 Woodward Avenue, Suite 318	DATE AND TIME June 24, 2014 at 9:00 a.m.
Bloomfield Hills, MI 48304	June 24, 2014 at 7.00 a.m.
other property possessed or controlled by you at the ti	DED to permit entry onto the designated premises, land, or ime, date, and location set forth below, so that the requesting party mple the property or any designated object or operation on it.
PLACE	DATE AND TIME
3	
attached - Rule 45(c), relating to the place of complia	5, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are nnce; Rule 45(d), relating to your protection as a person subject to a duty to respond to this subpoena and the potential consequences of not
CLERK OF COURT	
Signature of Clerk or Deputy	Clerk OR Attack Multiple Clerk Strongey's signature
The name, address, email address, and telephone num Interested Party Syncora et al. , who issues or re	aber of the attorney representing (name of party) equests this subpoena, are:
Stephen C. Hackney, 300 N. LaSalle, Chicago, IL 60654 (312) 86	
Notice to the person	who issues or requests this subpoena

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If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on

the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	?):
I served the subpoena by delivering a copy to the named per	rson as follows:
on (date)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

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- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

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First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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The only change between Schedule B, served on June 4, 2014, and this First Amended Schedule B is reflected in Instruction No. 10, which contains an updated date and a correction.

- 4. "Concerning" means relating to, referring to, describing, evidencing, reflecting, embodying, or constituting.
- 5. The term "DIA" means The Detroit Institute of Arts, a nonprofit corporation organized under the laws of the State of Michigan and any and all of its predecessors.
- 6. The term "DIA Settlement" refers to the settlement regarding the DIA Assets, as those terms are defined in the City of Detroit's Plan of Adjustment [Doc. No. 4392].
- 7. The term "Documents" and "Document" have the same full meaning as in Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure and include the original, any draft (whether disseminated or not) and any copy, regardless of origin or location, of any correspondence, letter, memorandum, electronic mail (e-mail), statement, summary, outline, contract, agreement, book, pamphlet, periodical, telegram, telecopy, telefax, wire, cable, record, study, report, schedule, diary, desk calendar, organizer, appointment book, photograph, reproduction, map, survey, drawing, chart, model, index, tape, data sheet or data processing card, computerized information, data base or disk (including without limitation hard, soft, floppy, or compact), invoice, purchase order, ledger, journal, check (front and back), check

stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- 8. The term "Foundations" refers to any entity that is a contributing party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
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- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- 2. If any documents are not available for production because they have been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- 4. If any documents are available but are not produced because of an objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- 6. Produce original documents whenever such documents are available to you.
- 7. Produce all documents available by virtue of being in possession of your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

	District ofMichigan
re City of Detroit, Michigan	
Debtor	
(Complete if issued in an adversary proceeding)	Case No. <u>13-53846</u>
(Comprete y issued in an daversary proceeding)	Chapter 9
DL-1-4:66	
Plaintiff V.	Ada Dasa Na
	Adv. Proc. No.
Defendant	
	NTS, INFORMATION, OR OBJECTS OR TO PERMIT NKRUPTCY CASE (OR ADVERSARY PROCEEDING)
To: Community Foundation for Southeast Michigan, 333 W. For	rt Street, Suite 2010, Detroit, MI 48226 Resident Agent: Mariam C. Noland
(Name of pe	erson to whom the subpoena is directed)
V Production: VOII ARE COMMANDED to pro-	duce at the time, date, and place set forth below the following
	ets, and to permit inspection, copying, testing, or sampling of the
material: SEE FIRST AMENDED SCHEDULE B	, , , , , , , , , , , , , , , , , , , ,
PLACE McDonald Hopkins PLC	DATE AND TIME
39533 Woodward Avenue, Suite 318 Bloomfield Hills, MI 48304	June 24, 2014 at 9:00 a.m.
Inspection of Premises: YOU ARE COMMANI	DED to permit entry onto the designated premises, land, or
other property possessed or controlled by you at the time	me, date, and location set forth below, so that the requesting party nple the property or any designated object or operation on it. DATE AND TIME
other property possessed or controlled by you at the times inspect, measure, survey, photograph, test, or san PLACE	nple the property or any designated object or operation on it. DATE AND TIME
other property possessed or controlled by you at the time may inspect, measure, survey, photograph, test, or same PLACE The following provisions of Fed. R. Civ. P. 45 attached – Rule 45(c), relating to the place of compliant	nple the property or any designated object or operation on it.
other property possessed or controlled by you at the time may inspect, measure, survey, photograph, test, or same PLACE The following provisions of Fed. R. Civ. P. 45 attached – Rule 45(c), relating to the place of compliant subpoena; and Rule 45(e) and 45(g), relating to your description.	DATE AND TIME 5, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are nce; Rule 45(d), relating to your protection as a person subject to a duty to respond to this subpoena and the potential consequences of not
other property possessed or controlled by you at the time may inspect, measure, survey, photograph, test, or same PLACE The following provisions of Fed. R. Civ. P. 45 attached – Rule 45(c), relating to the place of compliant subpoena; and Rule 45(e) and 45(g), relating to your doing so. Date:	DATE AND TIME 5, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are nce; Rule 45(d), relating to your protection as a person subject to a
other property possessed or controlled by you at the time may inspect, measure, survey, photograph, test, or same PLACE The following provisions of Fed. R. Civ. P. 45 attached – Rule 45(c), relating to the place of compliant subpoena; and Rule 45(e) and 45(g), relating to your doing so. Date:	DATE AND TIME 5, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are nce; Rule 45(d), relating to your protection as a person subject to a duty to respond to this subpoena and the potential consequences of not OR OR Adduction of the potential consequences of not the potential consequences of n
The following provisions of Fed. R. Civ. P. 45 attached – Rule 45(c), relating to the place of compliar subpoena; and Rule 45(e) and 45(g), relating to your doing so. Date: 6/5/14 CLERK OF COURT Signature of Clerk or Deputy	DATE AND TIME 5, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are nce; Rule 45(d), relating to your protection as a person subject to a duty to respond to this subpoena and the potential consequences of not OR OR Avorney's signature

the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if a on (date)	ny):
	person as follows:
on (date)	; or
I returned the subpoena unexecuted because:	
My fees are \$ for travel and \$ for ser	owed by law, in the amount of \$ vices, for a total of \$
I declare under penalty of perjury that this information. Date:	on is true and correct.
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
 - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
 - (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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The only change between Schedule B, served on June 4, 2014, and this First Amended Schedule B is reflected in Instruction No. 10, which contains an updated date and a correction.

- 4. "Concerning" means relating to, referring to, describing, evidencing, reflecting, embodying, or constituting.
- 5. The term "DIA" means The Detroit Institute of Arts, a nonprofit corporation organized under the laws of the State of Michigan and any and all of its predecessors.
- 6. The term "DIA Settlement" refers to the settlement regarding the DIA Assets, as those terms are defined in the City of Detroit's Plan of Adjustment [Doc. No. 4392].
- 7. The term "Documents" and "Document" have the same full meaning as in Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure and include the original, any draft (whether disseminated or not) and any copy, regardless of origin or location, of any correspondence, letter, memorandum, electronic mail (e-mail), statement, summary, outline, contract, agreement, book, pamphlet, periodical, telegram, telecopy, telefax, wire, cable, record, study, report, schedule, diary, desk calendar, organizer, appointment book, photograph, reproduction, map, survey, drawing, chart, model, index, tape, data sheet or data processing card, computerized information, data base or disk (including without limitation hard, soft, floppy, or compact), invoice, purchase order, ledger, journal, check (front and back), check

stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- 8. The term "Foundations" refers to any entity that is a contributing party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
- 9. The term "Plan" means the City's filed Fourth Amended Plan of Adjustment [Doc. No. 4392].
- 10. The terms "relate," "relate to," "relating to," and/or "refer," with respect to any given subject mean anything that concerns, constitutes, contains, compromises, consists of, discloses, describes, discusses, explains, evidences, embodies, reflects, identifies, states, summarizes, refers to, pertains to, deals with,

implies or authorizes directly or indirectly, or is in any manner whatsoever pertinent to that subject.

The term "State" means the State of Michigan. 11.

INSTRUCTIONS

- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- If any documents are not available for production because they have 2. been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- If any documents are available but are not produced because of an 4. objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- Produce original documents whenever such documents are available 6. to you.
- Produce all documents available by virtue of being in possession of 7. your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

United States	BANKRUPTCY COURT
Eastern	District of Michigan
In re City of Detroit, Michigan	
Debtor	
(Complete if issued in an adversary proceeding)	Case No. <u>13-53846</u>
(completely tosted in an article and proceeding)	Chapter 9
Plaintiff	senerate Mantana
V.	Adv. Proc. No.
D. A. J. J.	Adv. Floc. No.
Defendant	
	S, INFORMATION, OR OBJECTS OR TO PERMIT RUPTCY CASE (OR ADVERSARY PROCEEDING) on, 503 S. Saginaw Street, Suite 1200, Flint, MI 48502
(Name of person	n to whom the subpoena is directed)
X Production: YOU ARE COMMANDED to produce	at the time, date, and place set forth below the following
The second of th	and to permit inspection, copying, testing, or sampling of the
material: SEE FIRST AMENDED SCHEDULE B	
PLACE McDonald Hopkins PLC 39533 Woodward Avenue, Suite 318	DATE AND TIME
Bloomfield Hills, MI 48304	June 24, 2014 at 9:00 a.m.
Inspection of Premises: YOU ARE COMMANDED other property possessed or controlled by you at the time, of may inspect, measure, survey, photograph, test, or sample PLACE	date, and location set forth below, so that the requesting party
TLACE	DATE AND HALE
attached – Rule 45(c), relating to the place of compliance;	ade applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are Rule 45(d), relating to your protection as a person subject to a to respond to this subpoena and the potential consequences of not
Signature of Clerk or Deputy Clerk	9 M/My Commun
The name, address, email address, and telephone number of Interested Party Syncora et al. , who issues or request	
Stephen C. Hackney, 300 N. LaSalle, Chicago, IL 60654 (312) 862-200	
Notice to the person who	o issues or requests this subpoena

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for on (date)	(name of individual and	title, if any):	
☐ I served the subpoena by	delivering a copy to the	named person a	as follows:
	on (date)		; or
I returned the subpoena	unexecuted because:		
witness the fees for one day	's attendance, and the mi	leage allowed b	ne of its officers or agents, I have also tendered to the y law, in the amount of \$
My fees are \$ f	or travel and \$	_ for services, fo	or a total of \$
I declare under pena	alty of perjury that this in	formation is tru	e and correct.
Date:			
		<u></u>	Server's signature
			Printed name and title
		<u></u>	Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
- (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (g) Contempt. The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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The only change between Schedule B, served on June 4, 2014, and this First Amended Schedule B is reflected in Instruction No. 10, which contains an updated date and a correction.

- 4. "Concerning" means relating to, referring to, describing, evidencing, reflecting, embodying, or constituting.
- 5. The term "DIA" means The Detroit Institute of Arts, a nonprofit corporation organized under the laws of the State of Michigan and any and all of its predecessors.
- 6. The term "DIA Settlement" refers to the settlement regarding the DIA Assets, as those terms are defined in the City of Detroit's Plan of Adjustment [Doc. No. 4392].
- 7. The term "Documents" and "Document" have the same full meaning as in Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure and include the original, any draft (whether disseminated or not) and any copy, regardless of origin or location, of any correspondence, letter, memorandum, electronic mail (e-mail), statement, summary, outline, contract, agreement, book, pamphlet, periodical, telegram, telecopy, telefax, wire, cable, record, study, report, schedule, diary, desk calendar, organizer, appointment book, photograph, reproduction, map, survey, drawing, chart, model, index, tape, data sheet or data processing card, computerized information, data base or disk (including without limitation hard, soft, floppy, or compact), invoice, purchase order, ledger, journal, check (front and back), check

stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- 8. The term "Foundations" refers to any entity that is a contributing party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
- 9. The term "Plan" means the City's filed Fourth Amended Plan of Adjustment [Doc. No. 4392].
- 10. The terms "relate," "relate to," "relating to," and/or "refer," with respect to any given subject mean anything that concerns, constitutes, contains, compromises, consists of, discloses, describes, discusses, explains, evidences, embodies, reflects, identifies, states, summarizes, refers to, pertains to, deals with,

implies or authorizes directly or indirectly, or is in any manner whatsoever pertinent to that subject.

11. The term "State" means the State of Michigan.

INSTRUCTIONS

- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- 2. If any documents are not available for production because they have been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- 4. If any documents are available but are not produced because of an objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- 6. Produce original documents whenever such documents are available to you.
- Produce all documents available by virtue of being in possession of 7. your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

UNITED STATE	ES BANKRUPTCY COURT
Eastern	District of Michigan
In re City of Detroit, Michigan Debtor (Complete if issued in an adversary proceeding)	Case No. <u>13-53846</u> Chapter 9
DI 1 2 100	Chapter
Plaintiff v.	Adv. Proc. No.
Defendant	
INSPECTION OF PREMISES IN A BAN Max M. and Marjorie S. Fisher Foundation Inc., Domestic Notes To: Resident Agent: Douglas Bitonti Stewart (Name of permission)	NTS, INFORMATION, OR OBJECTS OR TO PERMIT NKRUPTCY CASE (OR ADVERSARY PROCEEDING) Ronprofit Corporation, Two Towne Square, Suite 920, Southfield, MI 48076 erson to whom the subpoena is directed) duce at the time, date, and place set forth below the following
documents, electronically stored information, or object material: SEE FIRST AMENDED SCHEDULE B	ets, and to permit inspection, copying, testing, or sampling of the
PLACE McDonald Hopkins PLC 39533 Woodward Avenue, Suite 318 Bloomfield Hills, MI 48304	DATE AND TIME June 25, 2014 at 9:00 a.m.
other property possessed or controlled by you at the tir	DED to permit entry onto the designated premises, land, or me, date, and location set forth below, so that the requesting party uple the property or any designated object or operation on it.
PLACE	DATE AND TIME
attached – Rule 45(c), relating to the place of compliar subpoena; and Rule 45(e) and 45(g), relating to your d doing so. Date: 6 S U CLERK OF COURT	OR OR Mathematical Mathematical Consequences of the subject to a sub
Signature of Clerk or Deputy C	
The name, address, email address, and telephone numb	ber of the attorney representing (name of party)

Stephen C. Hackney, 300 N. LaSalle, Chicago, 1L 60654 (312) 862-2000 stephen.hackney@kirkland.com

Notice to the person who issues or requests this subpoena

____, who issues or requests this subpoena, are:

Interested Party Syncora et al.

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)			
I served the subpoena by delivering a copy to the named person as follows:			
,	on (date)	; or	
I returned the subp	oena unexecuted because:		
witness the fees for or	vas issued on behalf of the United State te day's attendance, and the mileage all for travel and \$ for ser	es, or one of its officers or agents, I have also tendered to the lowed by law, in the amount of \$	
I declare unde	r penalty of perjury that this information	on is true and correct.	
Date:			
		Server's signature	
		Printed name and title	
		Server's address	

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
 - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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The only change between Schedule B, served on June 4, 2014, and this First Amended Schedule B is reflected in Instruction No. 10, which contains an updated date and a correction.

- 4. "Concerning" means relating to, referring to, describing, evidencing, reflecting, embodying, or constituting.
- 5. The term "DIA" means The Detroit Institute of Arts, a nonprofit corporation organized under the laws of the State of Michigan and any and all of its predecessors.
- 6. The term "DIA Settlement" refers to the settlement regarding the DIA Assets, as those terms are defined in the City of Detroit's Plan of Adjustment [Doc. No. 4392].
- 7. The term "Documents" and "Document" have the same full meaning as in Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure and include the original, any draft (whether disseminated or not) and any copy, regardless of origin or location, of any correspondence, letter, memorandum, electronic mail (e-mail), statement, summary, outline, contract, agreement, book, pamphlet, periodical, telegram, telecopy, telefax, wire, cable, record, study, report, schedule, diary, desk calendar, organizer, appointment book, photograph, reproduction, map, survey, drawing, chart, model, index, tape, data sheet or data processing card, computerized information, data base or disk (including without limitation hard, soft, floppy, or compact), invoice, purchase order, ledger, journal, check (front and back), check

stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- 8. The term "Foundations" refers to any entity that is a contributing party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
- 9. The term "Plan" means the City's filed Fourth Amended Plan of Adjustment [Doc. No. 4392].
- 10. The terms "relate," "relate to," "relating to," and/or "refer," with respect to any given subject mean anything that concerns, constitutes, contains, compromises, consists of, discloses, describes, discusses, explains, evidences, embodies, reflects, identifies, states, summarizes, refers to, pertains to, deals with,

implies or authorizes directly or indirectly, or is in any manner whatsoever pertinent to that subject.

11. The term "State" means the State of Michigan.

INSTRUCTIONS

- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- 2. If any documents are not available for production because they have been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- 4. If any documents are available but are not produced because of an objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- Produce original documents whenever such documents are available 6. to you.
- Produce all documents available by virtue of being in possession of 7. your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

UNITED STATES	BANKRU	JPTCY COURT
Eastern	District of	Michigan
In re City of Detroit, Michigan		
Debtor		
(Complete if issued in an adversary proceeding)	Case No.	. 13-53846
(Complete ty issued in an adversary proceeding)	Chapter	9
	Chapter_	
Plaintiff		
V.	Adv. Pro	oc. No
Defendant		
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING) The Fred A. and Barbara M. Erb Family Foundation, Domestic Nonprofit Corporation, 38710 Woodward, Suite 210, Bloomfield Hills, MI 48304 To: Resident Agent: John B. Erb (Name of person to whom the subpoena is directed) X Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the		
material: SEE FIRST AMENDED SCHEDULE B		
PLACE McDonald Hopkins PLC		DATE AND TIME
39533 Woodward Avenue, Suite 318 Bloomfield Hills, MI 48304		June 25, 2014 at 9:00 a.m.
Inspection of Premises: YOU ARE COMMANDED other property possessed or controlled by you at the time, may inspect, measure, survey, photograph, test, or sample PLACE	date, and locati	ion set forth below, so that the requesting party
The following provisions of Fed. R. Civ. P. 45, ma attached – Rule 45(c), relating to the place of compliance; subpoena; and Rule 45(e) and 45(g), relating to your duty doing so. Date:	Rule 45(d), rel to respond to the	
Signature of Clerk or Deputy Clerk	OR k	Allorhey's signature
The name, address, email address, and telephone number of Interested Party Syncora et al. , who issues or requestions and telephone number of the name, address, email address, and telephone number of the name, address, email address, and telephone number of the name, address, email address, and telephone number of the name, address, email address, and telephone number of the name, address and telephone number of the name of the		
Stephen C. Hackney, 300 N. LaSalle, Chicago, IL 60654 (312) 862-20	87.7	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
I served the subpoena by delivering a copy to the named pe	rson as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
 - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (g) Contempt. The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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The only change between Schedule B, served on June 4, 2014, and this First Amended Schedule B is reflected in Instruction No. 10, which contains an updated date and a correction.

- 4. "Concerning" means relating to, referring to, describing, evidencing, reflecting, embodying, or constituting.
- 5. The term "DIA" means The Detroit Institute of Arts, a nonprofit corporation organized under the laws of the State of Michigan and any and all of its predecessors.
- 6. The term "DIA Settlement" refers to the settlement regarding the DIA Assets, as those terms are defined in the City of Detroit's Plan of Adjustment [Doc. No. 4392].
- 7. The term "Documents" and "Document" have the same full meaning as in Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure and include the original, any draft (whether disseminated or not) and any copy, regardless of origin or location, of any correspondence, letter, memorandum, electronic mail (e-mail), statement, summary, outline, contract, agreement, book, pamphlet, periodical, telegram, telecopy, telefax, wire, cable, record, study, report, schedule, diary, desk calendar, organizer, appointment book, photograph, reproduction, map, survey, drawing, chart, model, index, tape, data sheet or data processing card, computerized information, data base or disk (including without limitation hard, soft, floppy, or compact), invoice, purchase order, ledger, journal, check (front and back), check

stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- 8. The term "Foundations" refers to any entity that is a contributing party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
- 9. The term "Plan" means the City's filed Fourth Amended Plan of Adjustment [Doc. No. 4392].
- 10. The terms "relate," "relate to," "relating to," and/or "refer," with respect to any given subject mean anything that concerns, constitutes, contains, compromises, consists of, discloses, describes, discusses, explains, evidences, embodies, reflects, identifies, states, summarizes, refers to, pertains to, deals with,

implies or authorizes directly or indirectly, or is in any manner whatsoever pertinent to that subject.

11. The term "State" means the State of Michigan.

INSTRUCTIONS

- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- 2. If any documents are not available for production because they have been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- 4. If any documents are available but are not produced because of an objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- Produce original documents whenever such documents are available 6. to you.
- Produce all documents available by virtue of being in possession of 7. your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

UNITED STATES BANKRUPTCY COURT		
Eastern	_ District of _	Michigan
In re City of Detroit, Michigan		
Debtor		
(Complete if issued in an adversary proceeding)	Case No	0. 13-53846
(completely issued in an autorsally proceeding)	Chapter	. 9
DI 1 20100		
Plaintiff v.	A.I. D	N
	Adv. Pr	roc. No
Defendant		
To: Resident Agent: Jaffe Raitt Heuer & Weiss Professional Corp	KRUPTCY CA Raitt Heuer & Weiss poration	
X Production: YOU ARE COMMANDED to produ	uce at the time. d	ate, and place set forth below the following
documents, electronically stored information, or object		
material: SEE FIRST AMENDED SCHEDULE B	, r	7 - 7 - 8 - 7 - 7 - 7
PLACE McDonald Hopkins PLC		DATE AND TIME
39533 Woodward Avenue, Suite 318 Bloomfield Hills, MI 48304		June 25, 2014 at 9:00 a.m.
Inspection of Premises: YOU ARE COMMAND other property possessed or controlled by you at the time may inspect, measure, survey, photograph, test, or same PLACE	ne, date, and loca	tion set forth below, so that the requesting party
TEACE		DATE AND TIME
attached – Rule 45(c), relating to the place of compliar subpoena; and Rule 45(e) and 45(g), relating to your doing so. Date: 6 / 5 / 4 CLERK OF COURT Signature of Clerk or Deputy C	OR	this subpoena and the potential consequences of not Altorney's signature
The name, address, email address, and telephone numb Interested Party Syncora et al. , who issues or red		
Stephen C. Hackney, 300 N. LaSalle, Chicago, IL 60654 (312) 86:	191	
		quests this subpoena

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If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on

the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)			
I served the subpoena by delivering a copy to the named person as follows:			
	on (da	e); or	
I returned the su	bpoena unexecuted because:		
witness the fees for	one day's attendance, and the	United States, or one of its officers or agents, I have also tendered to the mileage allowed by law, in the amount of \$ for services, for a total of \$	
I declare un	der penalty of perjury that this	information is true and correct.	
Date:			
		Server's signature	
		Printed name and title	
		Server's address	

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
 - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (g) Contempt. The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- 8. The term "Foundations" refers to any entity that is a contributing party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
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INSTRUCTIONS

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- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
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- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- 6. Produce original documents whenever such documents are available to you.
- 7. Produce all documents available by virtue of being in possession of your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

UNITED STATE		RUPTCY COURT
Eastern	_ District of _	Michigan
In re City of Detroit, Michigan		
Debtor	Case N	Vo. <u>13-53846</u>
(Complete if issued in an adversary proceeding)	Case IV	NO. 15-33040
	Chapte	er9
Plaintiff		
v.	Adv. P	Proc. No
Defendant		
	KRUPTCY C	ATION, OR OBJECTS OR TO PERMIT ASE (OR ADVERSARY PROCEEDING) reet, Suite 310, Detroit, MI 48226
	erson to whom the .	subpoena is directed)
X Production: YOU ARE COMMANDED to production documents, electronically stored information, or object material: SEE FIRST AMENDED SCHEDULE B		
PLACE McDonald Hopkins PLC		DATE AND TIME
39533 Woodward Avenue, Suite 318 Bloomfield Hills, MI 48304		June 26, 2014 at 9:00 a.m.
☐ Inspection of Premises: YOU ARE COMMAND other property possessed or controlled by you at the time may inspect, measure, survey, photograph, test, or same PLACE	me, date, and loca	ation set forth below, so that the requesting party
The following provisions of Fed. R. Civ. P. 45 attached – Rule 45(c), relating to the place of complian subpoena; and Rule 45(e) and 45(g), relating to your doing so. Date:	nce; Rule 45(d), 1	
Signature of Clerk or Deputy	OR ————————————————————————————————————	Atty (My)
<u> </u>		
The name, address, email address, and telephone number interested Party Syncora et al, who issues or re		
Stephen C. Hackney, 300 N. LaSalle, Chicago, IL 60654 (312) 86		
Notice to the person	wno issues or re	equests this subpoena

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If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on

the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if a on (date)	any):
I served the subpoena by delivering a copy to the named	person as follows:
on (date)	; or
I returned the subpoena unexecuted because:	
	es, or one of its officers or agents, I have also tendered to the lowed by law, in the amount of \$
I declare under penalty of perjury that this information	
Date:	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
 - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(e);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
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- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

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- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
 - (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
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- (g) Contempt. The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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The only change between Schedule B, served on June 4, 2014, and this First Amended Schedule B is reflected in Instruction No. 10, which contains an updated date and a correction.

- 4. "Concerning" means relating to, referring to, describing, evidencing, reflecting, embodying, or constituting.
- 5. The term "DIA" means The Detroit Institute of Arts, a nonprofit corporation organized under the laws of the State of Michigan and any and all of its predecessors.
- 6. The term "DIA Settlement" refers to the settlement regarding the DIA Assets, as those terms are defined in the City of Detroit's Plan of Adjustment [Doc. No. 4392].
- 7. The term "Documents" and "Document" have the same full meaning as in Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure and include the original, any draft (whether disseminated or not) and any copy, regardless of origin or location, of any correspondence, letter, memorandum, electronic mail (e-mail), statement, summary, outline, contract, agreement, book, pamphlet, periodical, telegram, telecopy, telefax, wire, cable, record, study, report, schedule, diary, desk calendar, organizer, appointment book, photograph, reproduction, map, survey, drawing, chart, model, index, tape, data sheet or data processing card, computerized information, data base or disk (including without limitation hard, soft, floppy, or compact), invoice, purchase order, ledger, journal, check (front and back), check

stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- 8. The term "Foundations" refers to any entity that is a contributing party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
- 9. The term "Plan" means the City's filed Fourth Amended Plan of Adjustment [Doc. No. 4392].
- 10. The terms "relate," "relate to," "relating to," and/or "refer," with respect to any given subject mean anything that concerns, constitutes, contains, compromises, consists of, discloses, describes, discusses, explains, evidences, embodies, reflects, identifies, states, summarizes, refers to, pertains to, deals with,

implies or authorizes directly or indirectly, or is in any manner whatsoever pertinent to that subject.

11. The term "State" means the State of Michigan.

INSTRUCTIONS

- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- 2. If any documents are not available for production because they have been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- 4. If any documents are available but are not produced because of an objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- Produce original documents whenever such documents are available 6. to you.
- Produce all documents available by virtue of being in possession of 7. your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

United State	es Bankru	PTCY COURT
Eastern	_ District of	Michigan
In re City of Detroit, Michigan	_	
Debtor	C 11	
(Complete if issued in an adversary proceeding)	Case No.	13-53846
(complete if issued in an autorisary proceduring)	Chapter	9
DI STORY		
Plaintiff v.		N.
	Adv. Proc	. No
Defendant		
SUBPOENA TO PRODUCE DOCUMEN INSPECTION OF PREMISES IN A BAN The Kresge Foundation, Domestic Nonprofit Corporation, 306 To: Resident Agent: The Corporation Company	KRUPTCY CAS	SE (OR ADVERSARY PROCEEDING)
	rson to whom the sub	poena is directed)
-	en e	
X Production: YOU ARE COMMANDED to production		
documents, electronically stored information, or object	s, and to permit insp	pection, copying, testing, or sampling of the
material: SEE FIRST AMENDED SCHEDULE B		
PLACE McDonald Hopkins PLC		DATE AND TIME
39533 Woodward Avenue, Suite 318		June 26, 2014 at 9:00 a.m.
Bloomfield Hills, MI 48304		
☐ Inspection of Premises: YOU ARE COMMAND	ED to permit entry	onto the designated premises, land, or
other property possessed or controlled by you at the time		
may inspect, measure, survey, photograph, test, or sam	ple the property or	
PLACE		DATE AND TIME
attached – Rule 45(c), relating to the place of compliant subpoena; and Rule 45(e) and 45(g), relating to your didoing so.	ice; Rule 45(d), rela	
Date: 6/5/19 CLERK OF COURT		1 1
Signature of Clerk or Deputy C	OR	Auprney's signature
The name, address, email address, and telephone number of the attorney representing (name of party)		
Interested Party Syncora et al. , who issues or red		
Stephen C. Hackney, 300 N. LaSalle, Chicago, IL 60654 (312) 862		
Notice to the person	who issues or requ	ests this subpoena

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If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on

the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any, on (date)):
☐ I served the subpoena by delivering a copy to the named per-	son as follows:
on (date)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, of witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ed by law, in the amount of \$
I declare under penalty of perjury that this information i	s true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
 - (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
- (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(e);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (g) Contempt. The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

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- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- 4. If any documents are available but are not produced because of an objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- 6. Produce original documents whenever such documents are available to you.
- 7. Produce all documents available by virtue of being in possession of your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

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- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

UNITED STATE	S BANKRUPTCY COURT
Eastern	_ District of Michigan
n re City of Detroit, Michigan	_
Debtor	Comp. No. 12 cans
(Complete if issued in an adversary proceeding)	Case No. <u>13-53846</u>
, , ,	Chapter 9
Plaintiff	•
v.	Adv. Proc. No.
	Adv. Floc. No.
Defendant	
INSPECTION OF PREMISES IN A BAN McGregor Fund, Domestic Nonprofit Corporation, 333 W. For	TS, INFORMATION, OR OBJECTS OR TO PERMIT KRUPTCY CASE (OR ADVERSARY PROCEEDING) rt, Suite 2090, Detroit, MI 48226
To: Resident Agent: C. David Campbell (Name of per	rson to whom the subpoena is directed)
, , , , ,	
*	uce at the time, date, and place set forth below the following
- 트슨데 BURNING () 설명 등 - 이렇게 하면 하면 나는 사람이 되는 사람이 되었다면 하면 하면 모든 사람이 되었다면 하면 하면 하면 하면 하면 하면 하면 하면 되었다면 하면 다른 나는 사람이 되었다면 하면	s, and to permit inspection, copying, testing, or sampling of the
material: SEE FIRST AMENDED SCHEDULE B	
PLACE McDonald Hopkins PLC	DATE AND TIME
39533 Woodward Avenue, Suite 318	June 26, 2014 at 9:00 a.m.
Bloomfield Hills, MI 48304	
☐ Inspection of Premises: YOU ARE COMMAND	ED to permit entry onto the designated premises, land, or
	ne, date, and location set forth below, so that the requesting party
	ple the property or any designated object or operation on it.
PLACE	DATE AND TIME
,	
attached - Rule 45(c), relating to the place of complian	, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are ce; Rule 45(d), relating to your protection as a person subject to a uty to respond to this subpoena and the potential consequences of not
Date: 1/9/14	
CLERK OF COURT	
	OR Atty Chily
Signature of Clerk or Deputy C	Herk Autoritey's signature
The name, address, email address, and telephone numb	er of the attorney representing (name of party) quests this subpoena, are:
Stephen C. Hackney, 300 N. LaSalle, Chicago, IL 60654 (312) 862	2-2000 stephen.hackney@kirkland.com
Notice to the person v	who issues or requests this subpoena

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If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on

the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any, on (date)):
I served the subpoena by delivering a copy to the named personal served.	son as follows:
on (date)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, of witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	red by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date.	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
- (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(e);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
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- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
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- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
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(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (g) Contempt. The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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The only change between Schedule B, served on June 4, 2014, and this First Amended Schedule B is reflected in Instruction No. 10, which contains an updated date and a correction.

- 4. "Concerning" means relating to, referring to, describing, evidencing, reflecting, embodying, or constituting.
- 5. The term "DIA" means The Detroit Institute of Arts, a nonprofit corporation organized under the laws of the State of Michigan and any and all of its predecessors.
- 6. The term "DIA Settlement" refers to the settlement regarding the DIA Assets, as those terms are defined in the City of Detroit's Plan of Adjustment [Doc. No. 4392].
- 7. The term "Documents" and "Document" have the same full meaning as in Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure and include the original, any draft (whether disseminated or not) and any copy, regardless of origin or location, of any correspondence, letter, memorandum, electronic mail (e-mail), statement, summary, outline, contract, agreement, book, pamphlet, periodical, telegram, telecopy, telefax, wire, cable, record, study, report, schedule, diary, desk calendar, organizer, appointment book, photograph, reproduction, map, survey, drawing, chart, model, index, tape, data sheet or data processing card, computerized information, data base or disk (including without limitation hard, soft, floppy, or compact), invoice, purchase order, ledger, journal, check (front and back), check

stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- 8. The term "Foundations" refers to any entity that is a contributing party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
- 9. The term "Plan" means the City's filed Fourth Amended Plan of Adjustment [Doc. No. 4392].
- 10. The terms "relate," "relate to," "relating to," and/or "refer," with respect to any given subject mean anything that concerns, constitutes, contains, compromises, consists of, discloses, describes, discusses, explains, evidences, embodies, reflects, identifies, states, summarizes, refers to, pertains to, deals with,

implies or authorizes directly or indirectly, or is in any manner whatsoever pertinent to that subject.

The term "State" means the State of Michigan. 11.

INSTRUCTIONS

- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- If any documents are not available for production because they have 2. been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- If any documents are available but are not produced because of an 4. objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- Produce original documents whenever such documents are available 6. to you.
- Produce all documents available by virtue of being in possession of 7. your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

United States	BANKRUPTCY COURT
Eastern	District ofMichigan
n re City of Detroit, Michigan	
Debtor	Case No. 13-53846
(Complete if issued in an adversary proceeding)	Case 140. 13-33040
	Chapter 9
Plaintiff	
V.	Adv. Proc. No.
Defendant	
INSPECTION OF PREMISES IN A BANK! THE A. PAUL AND CAROL C. SCHAAP FOUNDATION To: 15220 WINDMILL POINTE DR., GROSS POINTE PARK, MI	
(Name of perso	on to whom the subpoena is directed)
X Production: YOU ARE COMMANDED to produce	e at the time, date, and place set forth below the following
documents, electronically stored information, or objects,	and to permit inspection, copying, testing, or sampling of the
material: SEE FIRST AMENDED SCHEDULE B	
PLACE McDonald Hopkins PLC	DATE AND TIME
39533 Woodward Avenue, Suite 318	June 27, 2014 at 9:00 a.m.
Bloomfield Hills, MI 48304	
☐ Inspection of Premises: YOU ARE COMMANDEL	
[12] [14] [14] [14] [14] [14] [14] [14] [14	date, and location set forth below, so that the requesting party
may inspect, measure, survey, photograph, test, or sample	
PLACE	DATE AND TIME
The following provisions of Fed. R. Civ. P. 45 m	nade applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are
attached - Rule 45(c), relating to the place of compliance	; Rule 45(d), relating to your protection as a person subject to a to respond to this subpoena and the potential consequences of not
1/5/14	
CLERK OF COURT	
CEERK OF COOK!	OR Atty Chilles
Signature of Clerk or Deputy Cler	rk Attorney's signature
The name, address, email address, and telephone number Interested Party Syncora et al. , who issues or reque	
Stephen C. Hackney, 300 N. LaSalle, Chicago, IL 60654 (312) 862-2	
Notice to the person wh	no issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)):
I served the subpoena by delivering a copy to the named per-	son as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	red by law, in the amount of \$
I declare under penalty of perjury that this information i	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
 - (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost carnings and reasonable attorney's fees on a party or attorney who fails to comply.
 - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(e);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
 - (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (g) Contempt. The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

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- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

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implies or authorizes directly or indirectly, or is in any manner whatsoever pertinent to that subject.

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INSTRUCTIONS

- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- 2. If any documents are not available for production because they have been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- 4. If any documents are available but are not produced because of an objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- Produce original documents whenever such documents are available 6. to you.
- Produce all documents available by virtue of being in possession of 7. your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.

Eastern	District of	Michigan
In re City of Detroit, Michigan		
Debtor	_	
(Complete if issued in an adversary proceeding)	Case No	. 13-53846
	Chapter	9
Plaintiff		
v.	Adv. Pro	oc. No.
Defendant		
SUBPOENA TO PRODUCE DOCUMENT INSPECTION OF PREMISES IN A BAN John S. and James L. Knight Foundation, 200 S. Biscayne Botto: Resident Agent: Juan J. Martinez	NKRUPTCY CA oulevard, Miami, FL 33	SE (OR ADVERSARY PROCEEDING) 131-2349
(Name of p	erson to whom the su	bpoena is directed)
X Production: YOU ARE COMMANDED to production: YOU are Commanded to product documents, electronically stored information, or object material: SEE FIRST AMENDED SCHEDULE B		다 내가 가장
PLACE McDonald Hopkins PLC		DATE AND TIME
39533 Woodward Avenue, Suite 318 Bloomfield Hills, MI 48304		June 27, 2014 at 9:00 a.m.
Inspection of Premises: YOU ARE COMMANI other property possessed or controlled by you at the timay inspect, measure, survey, photograph, test, or san PLACE	me, date, and locat	ion set forth below, so that the requesting party
The following provisions of Fed. R. Civ. P. 4: attached – Rule 45(c), relating to the place of complia subpoena; and Rule 45(e) and 45(g), relating to your odoing so. Date: CLERK OF COURT	nce; Rule 45(d), re	
	OR	1 HAMI
Signature of Clerk or Deputy		My WW Muoney's signature
The name, address, email address, and telephone num Interested Party Syncora et al. , who issues or re		
Stephen C. Hackney, 300 N. LaSalle, Chicago, 1L 60654 (312) 86		
Notice to the person	who issues or req	uests this subpoena

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If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on

the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, is on (date)	fany):	
I served the subpoena by delivering a copy to the named person as follows:		
on (<i>date</i>)	; or	
I returned the subpoena unexecuted because:		
	ates, or one of its officers or agents, I have also tendered to the allowed by law, in the amount of \$ ervices, for a total of \$	
I declare under penalty of perjury that this informa	tion is true and correct.	
Date:		
	Server's signature	
	Printed name and title	
	Server's address	

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction which may include lost carnings and reasonable attorney's fees on a party or attorney who fails to comply.
- (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
 - (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (g) Contempt. The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

First Amended Schedule B¹

DEFINITIONS

As used in these Document Requests, the following terms are to be interpreted in accordance with these definitions:

- 1. "You" or "Your" mean the parties to whom this request is directed, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is, or may be subrogated to the parties' interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.
- 2. The term "City" shall mean the City of Detroit, Michigan, as well as any of its past or present divisions, departments, commissions, officials, trustees, agents, affiliates, employees, attorneys, professionals, advisors, representatives, and all other persons acting or purporting to act on their behalf, including Kevyn D. Orr acting as Emergency Manager and any successors.
- 3. The term "Collection" shall mean the collection of over 60,000 works of art displayed or stored at the Detroit Institute of Arts museum located at 5200 Woodward Avenue, Detroit, Michigan 48202, and on-site and off-site storage facilities.

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The only change between Schedule B, served on June 4, 2014, and this First Amended Schedule B is reflected in Instruction No. 10, which contains an updated date and a correction.

- 4. "Concerning" means relating to, referring to, describing, evidencing, reflecting, embodying, or constituting.
- 5. The term "DIA" means The Detroit Institute of Arts, a nonprofit corporation organized under the laws of the State of Michigan and any and all of its predecessors.
- 6. The term "DIA Settlement" refers to the settlement regarding the DIA Assets, as those terms are defined in the City of Detroit's Plan of Adjustment [Doc. No. 4392].
- 7. The term "Documents" and "Document" have the same full meaning as in Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure and include the original, any draft (whether disseminated or not) and any copy, regardless of origin or location, of any correspondence, letter, memorandum, electronic mail (e-mail), statement, summary, outline, contract, agreement, book, pamphlet, periodical, telegram, telecopy, telefax, wire, cable, record, study, report, schedule, diary, desk calendar, organizer, appointment book, photograph, reproduction, map, survey, drawing, chart, model, index, tape, data sheet or data processing card, computerized information, data base or disk (including without limitation hard, soft, floppy, or compact), invoice, purchase order, ledger, journal, check (front and back), check

stub, note, bond, assignment, transfer, account statement, tax report, tax schedule, financial statement, workpaper, business form, timesheet, log, inventory, print-out, computer tape and notes of meetings, conferences, conversations or telephone conversations and any and all other written, printed, telecopied, telefaxed, transcribed, punched, taped, stored, filmed and graphic matter, however produced or reproduced, and specifically includes any preliminary note, outline, or draft of any of the foregoing in your custody, possession, or control.

- The term "Foundations" refers to any entity that is a contributing 8. party to the DIA Settlement, other than the City of Detroit or State of Michigan, specifically the entities listed on Exhibit B to the summary of the material terms of the DIA Settlement, which is attached to the Fourth Amended Plan of Adjustment [Doc. No. 4392] as Exhibit I.A.91.
- The term "Plan" means the City's filed Fourth Amended Plan of 9. Adjustment [Doc. No. 4392].
- The terms "relate," "relate to," "relating to," and/or "refer," with 10. respect to any given subject mean anything that concerns, constitutes, contains, compromises, consists of, discloses, describes, discusses, explains, evidences, embodies, reflects, identifies, states, summarizes, refers to, pertains to, deals with,

implies or authorizes directly or indirectly, or is in any manner whatsoever pertinent to that subject.

11. The term "State" means the State of Michigan.

INSTRUCTIONS

- 1. Production shall be made as the records are kept in the usual course of business, or shall be organized and labeled to correspond with the categories of this request.
- 2. If any documents are not available for production because they have been misplaced, discarded, or destroyed, identify which documents cannot be produced for these reasons, and state fully in writing the reasons that the documents are unavailable.
- 3. If any document cannot be produced in full, it shall be produced to the maximum extent possible and DIA Corp. shall specify in writing the reasons for its inability to produce the remainder.
- 4. If any documents are available but are not produced because of an objection, including an objection based on privilege, identify such documents with particularity as to date, subject matter and the nature of the objection or privilege claim.

- 5. If documents called for are not available to you because they are in the custody or in control of a third person, identify such documents and the third person in whose possession or control said documents are to be found.
- Produce original documents whenever such documents are available 6. to you.
- Produce all documents available by virtue of being in possession of 7. your attorneys or other agents.
- 8. In accordance with Fed. R. Bankr. P. 7026, where a claim of privilege is asserted in objecting to any Document Request or part thereof, the responding party shall, in the objection, identify (a) the nature of the privilege that is being claimed; (b) the type of document; (c) the general subject matter of the document; (d) the date of the document; and (e) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.
- 9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all." "Any" means "any and all." "Including" means "including but not limited to."

"And" and "or" encompasses both "and" and "or." Words in the masculine, feminine or neuter shall include each of the other genders.

10. Unless otherwise stated, the time period applicable to the documents called for is March 15, 2013, through the date of this document request, subject to Your ongoing obligation to supplement its responses under the applicable rules.

Document Requests

- 1. All documents and communications relating to the DIA Settlement.
- 2. All documents and communications relating to the negotiations surrounding the DIA Settlement.
- 3. All documents and communications relating to the transfer of the Collection to DIA Corp. pursuant to the DIA Settlement.
- 4. All documents and communications describing the reasons for entering into the DIA Settlement.
- 5. Documents sufficient to show the causes or charities You have previously supported or provided money to from January 1, 1990 to the present.
 - 6. Your mission statement.

- Documents sufficient to show Your current process for evaluating 7. potential partners or causes.
- All communications between You and the DIA from January 1, 2001 8. to the present.